

Legislative Analysis



LANDFILL RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS

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<http://www.house.mi.gov/hfa>

Senate Bill 1079 as passed by Senate
Sponsor: Sen. Phil Pavlov
House Committee: Natural Resources
Senate Committee: Natural Resources
Complete to 11-28-16

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 437 of 2016)

SUMMARY:

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act (NREPA) to:

- Increase the total duration of a permit for a landfill research, development, and demonstration project (RDDP) from 12 to 21 years.
- Revise a reference to an extension of the application processing period for a permit to construct an RDDP. The statute now says the department may extend the processing period for a permit by not more than 20%. The bill would say the limitations of Section 1307 would apply (120 days).

Section 11511b of NREPA allows a person to submit to the Department of Environmental Quality (DEQ) a project abstract for a Research, Development, and Demonstration Project (RDDP). If, based on the project abstract, the director of the DEQ determines that the RDDP will provide beneficial data on alternative landfill design, construction, or operating methods, the person may apply for a construction permit under Section 11509 of NREPA, including the renewal or modification of a construction permit, authorizing the person to establish the RDDP.

The term of an RDDP permit may not exceed three years; the owner or operator, however, may apply for and the DEQ may grant an extension for the permit term of up to three years if certain conditions are met. Currently, the total permit term with all extensions may not exceed 12 years. Senate Bill 1079 would increase the total term, including extensions, to 21 years.

SB 1079 also would align the language found in Section 11511b with that in Section 1307. Prior to the enactment of PA 164 of 2012, Section 1307(1) read, "By the processing deadline, the department shall approve or deny an application for a permit. If requested by the permit applicant, the department may extend the processing period for a permit by not more than 20%." PA 164 changed the maximum 20% extension to 120 days.

FISCAL IMPACT:

Senate Bill 1079 would have no fiscal impact on state or local government.

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